

2000 Indiana Election Legislation Summary

Prepared by the Indiana Election Division

This document summarizes the election-related legislation that passed the Indiana General Assembly and became law in 2000. Bills and joint resolutions may be obtained by contacting the Legislative Information Center at 200 West Washington Street, Ste. 230, Indianapolis, Indiana 46204-2731; (317) 232-9856, or by downloading documents from the Access Indiana homepage: www.state.in.us/legislative.

The following election-related bills were enacted by the 2000 Regular Session of the Indiana General Assembly to amend the Indiana Code:

House Enrolled Act 1024: Omnibus election legislation
House Enrolled Act 1182: Conversion of Vigo County courts
Senate Enrolled Act 12: Technical corrections
Senate Enrolled Act 117: Public question ballot language
Senate Enrolled Act 118: State certifying official references
Senate Enrolled Act 143: Conversion of Delaware County courts

CANDIDATES AND OFFICE HOLDERS

Candidate/Office Vacancies- Caucus Rules

Vice Precinct Committeemen (VPC) no longer have their own vote in caucuses to fill either candidate vacancies or office vacancies. A VPC may vote as proxy for a Precinct Committeeman (PC) if the PC is otherwise eligible and not present at caucus and: 1) the VPC serves under an elected PC and is appointed 5 days before caucus, or 2) the VPC was appointed at least 30 days before the vacancy occurred. A memorandum has been circulated to all county election boards regarding this change. (HEA 1024 effective March 15, 2000 amended and added to statutes contained in IC 3-13-1, IC 3-13-5 and IC 3-13-11)

Oath of Office

An individual newly appointed or elected to an office of a political subdivision may take his/her oath of office any time after appointment or election but no later than 30 days after the beginning of his/her term of office. (HEA 1024 amending IC 5-4-1-1.2 and IC 36-1-8-10.5 effective retroactively to November 1, 1999)

All oaths of office that are endorsed on, or attached to, a governor's commission, and whose duties are not limited to a particular county, must file an oath of office with the office of the secretary of state. Judges and prosecuting attorneys must file an oath office with the secretary of state. Officers of a political subdivision, school board members, constables of small claims courts, deputy prosecutors, and the circuit court clerks must file an oath of office with the circuit court clerk of the county containing the greatest percentage of the population of the political subdivision or school corporation. (SEA 12 amending IC 5-4-1-4)

Office Vacancies Commissioned by Governor

The certificate of selection of an individual appointed pro tempore as judge of town court, prosecuting attorney, circuit court clerk, county auditor, county recorder, county treasurer, county sheriff, county coroner or county surveyor, must be filed with the clerk of the circuit court of the county in which the greatest percentage of the population of the election district is located. The circuit court clerk shall forward a copy of the certificate of selection to the election division. The election division shall prepare a governor's commission for issuance under IC 4-3-1-5 in the same manner that the election division prepares a commission following the election of an individual to the office. (HEA 1024 amending IC 3-13-11-11)

Dual Lucrative Office

An *employee* of a political subdivision (but not an elected or appointed official, a teacher or other employee of a school corporation) may be a candidate for elected office and serve in that office if elected without having to resign as an employee of the political subdivision. (HEA 1024 adding IC 36-1-8-10.5)

Deputies

A deputy may perform all the official duties of the deputy's principal. (HEA 1024 amending IC 5-6-1-2 retroactive to May 10, 1999)

Notice of Resignation

New legislation clarifies to whom written notice of resignation must be given for certain offices. For instance, a resigning governor must give written notice to the principal clerk of the house and the principal secretary of the senate. Officers commissioned by the governor shall give the governor written notice of resignation. (For example, circuit court clerk, county auditor, recorder, treasurer, sheriff, coroner or surveyor.) (HEA 1024 amending IC 5-8-3.5-1)

Candidate Qualifications

New legislation clarifies that a candidate for judge of city or town court must be an attorney in good standing admitted to the practice of law in the State of Indiana before filing a declaration of candidacy, certificate of selection or *a declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 (write-in) or IC 3-10-6-12 (candidates nominated by convention)*. (SEA 12 amending IC 3-8-1-28.5 and 29.5)

CAMPAIGN FINANCE

Candidates for local office with compensation of less than \$5000 will be treated like school board candidates with respect to campaign finance filing as follows: neither are required to file a statement of organization, or campaign finance reports, unless they raise or spend more than \$500. (HEA 1024 amending IC 3-9-5-1 and adding 3-9-1-5.5 effective January 1, 2001)

CENSUS ADVISORY COMMITTEE STUDY

The census advisory committee is directed to study and make legislative recommendations regarding: 1) coordinating municipal election calendars with county, state and federal elections; 2) eliminating town conventions in favor of primaries; and 3) eliminating municipal elections in odd-numbered years so that all municipal elections are held in even-numbered years with countywide elections. (HEA 1024 adding IC 36-1-8-10.5)

VOTING SYSTEMS

State statute no longer requires three voting systems prior to an election. Under current law only one voting system test is required. This voting system test must be a public test which is to be conducted at least 14 days before the election. A memo detailing these changes was circulated to all circuit court clerks prior to the primary. (HEA 1024 amending IC 3-11-13-22, 23, 24, 25, and 26 and effective March 15, 2000)

It is unnecessary to maintain a record of the serial numbers of the ballot cards provided to precincts for counties that use an optical scan ballot card voting system. (HEA 1024 amending IC 3-11-13-20 effective March 15, 2000)

PUBLIC QUESTION

Establishes that the language of the public question that will appear on the ballot in the November 7, 2000 election will be as follows: "Shall Article 7, Section 4 of the Constitution of the State of Indiana be amended so that criminal appeals from a sentence of life imprisonment or a prison term of more than fifty years follow the same path through the Court of Appeals to the Indiana Supreme Court that civil appeals do?" (SEA 117)

STATE CERTIFYING OFFICIAL

Statutes that provide for county boundary changes, apportioning territory from one municipality to another, merging municipalities, dissolution of towns, name changes for towns or townships were amended. Ordinances, orders, agreements, surveyors descriptions, or other documents that were identified as documents to be filed with the "state certifying official" in prior statute were amended to substitute "the office of the secretary of state" in the place of "state certifying official." (SEA 118 effecting IC 36-2-1-2, IC 36-2-1-8, IC 36-3-2-7, IC 36-4-2-9, IC 36-5-1-10.1, IC 36-5-1-17, IC 35-5-1.1-9, IC 36-5-1.1-10, IC 36-5-1.1-10.5, IC 36-5-1.1-10.6, IC 36-5-1.2-12, IC 36-6-1-1, IC 36-6-1-3, IC 36-6-1-5, IC 36-6-1-5.5 and IC 36-6-1-11)

ANNUAL INSTRUCTIONAL MEETING FOR ELECTION OFFICIALS

The election division has the discretion to hold, or not hold, an instructional meeting for all county election board members and all voter's registration officials in a year where there is no general or municipal election. (HEA 1024 amending IC 3-6-4.2-14)

SCHOOL CORPORATIONS

A school corporation must keep the state superintendent of public instruction advised regarding changes in a school corporation's governing body. IC 20-3-21 (HB 1024 amending IC 20-3-21) Amendments were made to statutes which govern the process of combining existing school corporations. (HEA 1024 amending IC 20-4-1-7 and 20-4-8-12 effective July 1, 2000).

LAKE COUNTY ONLY

Clarifies that the powers concerning elections conferred upon county election boards, voter registration officials and the county executive under Title 3 of the Indiana Code are conferred upon the combined county election board and board of registration in Lake county. (HEA 1024 amending IC 3-6-5.2-6 and IC 3-8-1-1.6) Lake County's combined board is referred to as "a board of elections and registration." (SEA 12)

VIGO, BLACKFORD, DEARBORN, ORANGE AND RUSH COUNTY ONLY

Two county courts in Vigo County are eliminated and two superior courts are added. Each superior court shall have a small claims division and a misdemeanor division. County courts are converted into superior courts in the following counties: (1) Blackford; (2) Dearborn; (3) Orange; and (4) Rush. The newly created superior court in Blackford, Dearborn, Orange, and Rush counties shall have a small claims division and a misdemeanor division. (HEA 1182)

DELAWARE COUNTY ONLY

A unified court is established in Delaware County by combining the current Delaware circuit court and the four Delaware superior courts into a unified circuit court. Superior Court judges serving on June 30, 2000, in Delaware County shall serve as judges of the unified Delaware Circuit Court thereafter. (SEA 143)